

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 97A.5, the Board of Trustees of the Public Safety Peace Officers' Retirement, Accident, and Disability System hereby amends Chapter 400, "Peace Officers' Retirement, Accident, and Disability System—Governance and Administration," Chapter 401, "Peace Officers' Retirement, Accident, and Disability System—Administrative Procedures," and Chapter 402, "Peace Officers' Retirement, Accident, and Disability System—Eligibility, Benefits, and Payments," and rescinds Chapter 404, "Peace Officers' Retirement, Accident, and Disability System—Temporary Incapacity," Iowa Administrative Code.

Iowa Code chapter 97A creates the Public Safety Peace Officers' Retirement, Accident, and Disability System, which provides for retirement and disability benefits for peace officer members of the Iowa Department of Public Safety and which establishes within the Department of Public Safety a Board of Trustees with authority to administer the system, including establishing policies for the system through administrative rule making. The rules providing such policies are found in Chapters 400 through 404. Amendments to these rules are proposed herein to respond to legislative changes made during the 2010 session of the Iowa General Assembly. Major provisions included in these amendments are the following:

- Decisions regarding temporary incapacity of members of the system were made the province of the Commissioner of Public Safety, rather than of the Board of Trustees. Consequently, Chapter 404 regarding temporary incapacity is rescinded because the subject matter of the chapter is beyond the authority of the Board of Trustees.
- Provisions regarding the "escalator" for payments to retired members are clarified.
- Language regarding reimbursements for medical expenses of members is added, codifying practices established by the Board.
- Language is added regarding "purchase of eligible service credit" for members who previously served in agencies subject to the "411" retirement system, which covers many local law enforcement officers and firefighters, and for members who have completed active military service.

Notice of Intended Action proposing these amendments was published in the Iowa Administrative Bulletin on May 19, 2010, as **ARC 8767B**.

A public hearing to accept comments on the amendments was held on June 8, 2010. No comments were received either at the hearing or otherwise. The amendments adopted herein are identical to those published under Notice of Intended Action.

The Board finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendments should be waived and the amendments made effective on July 1, 2010, as they confer a benefit by providing clarity regarding requirements and benefits available to members and, in particular, by making it clear that the statutory provisions apply as of July 1, 2010, even when in conflict with previous provisions of the rules.

Rules of the Public Safety Peace Officers' Retirement, Accident, and Disability System are subject to the waiver provisions of rule 661—401.113(97A).

These amendments are intended to implement Iowa Code chapter 97A as amended by 2010 Iowa Acts, House File 2518 and Senate File 2318.

These amendments became effective on July 1, 2010.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amend Chs 400 to 402; rescind Ch 404] is being omitted. These amendments are identical to those published under Notice as **ARC 8767B**, IAB 5/19/10.

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